

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**v.**

**CASE NO. 4:19-CR-00025-BSM**

**MARIO JUSTIN OLIVER**

**DEFENDANT**

**ORDER**

Mario Justin Oliver’s pro se motion to reduce his sentence [Doc. No. 90] is denied because the retroactive application of Amendment 821 to the Federal Sentencing Guidelines does not reduce his sentencing range. *See* U.S.S.G. § 1B1.10(a)(2). Oliver’s status as an Armed Career Criminal keeps his criminal history category as level VI. Additionally, Oliver’s plea agreement provides that he “waives the right to have the sentence modified pursuant to Title 18, United States Code, Section 3582(c)(2) . . . .” Doc. No. 75 at 3. Because Oliver knowingly and voluntarily entered into his plea agreement, including this waiver, he is not entitled to relief. *See United States v. Cowan*, 781 F. App’x 571, 571–72 (8th Cir. 2019) (per curiam) (affirming dismissal of a section 3582(c)(2) motion when the record established that the defendant knowingly and voluntarily entered the plea agreement).

IT IS SO ORDERED this 22nd day of December, 2023.

  
UNITED STATES DISTRICT JUDGE